



**CITY OF MARLBOROUGH  
OFFICE OF CITY CLERK**

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**APRIL 6, 2015**

Regular meeting of the City Council held on Monday, APRIL 6, 2015 at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Pope, Oram, Ossing, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy and Landers. Meeting adjourned at 9:10 PM.

ORDERED: That the minutes of the City Council meeting MARCH 23, 2015, **FILE**; adopted.

ORDERED: That the **PUBLIC HEARING** Proposed Zoning Amendment, Chapter 650, Section 26.A(1)(a), Order No. 15-1006130, all were heard who wish to be heard, hearing recessed at 8:27 PM; adopted.

**Councilors Present: Pope, Ossing, Oram, Robey, Delano, Page, Elder, Tunnera, Irish, Clancy & Landers.**

ORDERED: That the recommendation from the City's OPEB Board of Trustees pursuant to "Article 14" of City Council Order No. 13-1005335C, refer to **FINANCE COMMITTEE**; adopted.

ORDERED: That the OPEB transfer request in the amount of \$5,000,000.00 which will mark the inaugural deposit towards the City's unfunded post-employment liability, better known as OPEB, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
DEPT:		Mayor				FISCAL YEAR:		2015	
FROM ACCOUNT:					TO ACCOUNT:				
Available	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available
Balance									Balance
\$5,000,000.00	\$5,000,000.00	83600	32726	Stabilization- OPEB	\$5,000,000.00	8759910	49761	OPEB Trust	\$0.00
Reason:		Transfer funds designated for OPEB to new trust							
\$5,000,000.00		Total			\$5,000,000.00	Total			

ORDERED: That the Police Department transfer request in the amount of \$112,488.00 which moves funds from Fringes to Sick Leave Buy Back and Sergeants to fund the contractually obligated sick leave buyback due to two retiring members of the Police Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
DEPT:		Police					FISCAL YEAR:		2015		
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance	
\$129,346.42	\$112,488.00	11990006	51500	Fringes	\$78,402.00	12100003	51920	Sick Leave Buy Back		\$0.00	
				Retirement payout for 2 employees							
					\$34,086.00	12100001	50820	Sergeants		\$143,158.61	
	\$112,488.00	Total			\$112,488.00	Total					

ORDERED: That the Fire Department transfer request in the amount of \$7,244.24 which moves funds from Fringes to Sick Leave Buy Back to fund the contractually obligated sick leave buyback due to a retiring member of the Fire Department, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
DEPT:		FIRE					FISCAL YEAR:		15		
		FROM ACCOUNT:					TO ACCOUNT:				
Available										Available	
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance	
\$187,516.60	\$7,244.24	11990006	51500	Fringe	\$7,244.24	1220003	51920	Sick Leave Buy Back		\$30,535.96	
	Reason:	Retirement payout of sick leave					Account balance insufficient				
	\$7,244.24	Total			\$7,244.24	Total					

ORDERED: That the Mayor’s office transfer request in the amount of \$5,610.25 to fund the sick leave buyback and unused vacation payout due to a departing member of his staff, refer to **FINANCE COMMITTEE**; adopted.

CITY OF MARLBOROUGH											
BUDGET TRANSFERS --											
DEPT:		Mayor					FISCAL YEAR:		2015		
FROM ACCOUNT:					TO ACCOUNT:						
Available Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Available Balance		
\$18,400.00	\$5,610.25	11330002	50770	Treasurer-Senior Clerk	\$1,000.00	11210003	51920	Sick Leave Buy Back	\$0.00		
		Surplus due to prior vacancy				Sick leave due to departing employee					
					\$4,610.25	11210001	50321	Executive Aide to Mayor	\$14,023.96		
						Vacation due to departing employee					
	\$5,610.25	Total			\$5,610.25	Total					

ORDERED: That the Application for Special Permit from Digital Federal Credit Union to amend Special Permit, Order No. 03-10047B, by removing condition #7 in proper legal form, Order No. 14/15-1006011D, X14/15-1006053C, **MOVED TO ITEM 25**; adopted.

ORDERED: That the Application for Special Permit from Digital Federal Credit Union to operate an electronic message center sign pursuant to City Code, §526-13 in proper legal form, Order No. 14/15/1006053C, X14/15-1006011D, X03-10047B, **MOVED TO ITEM 26**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 4, 2015** as a date for a **PUBLIC HEARING** on the Application, Fuel Storage License, Discount Gas, 50 Main St., to increase Fuel Storage capacity from 15,000 to 18,000 gallons, refer to **PUBLIC SERVICES COMMITTEE, AND ADVERTISE**; adopted.

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, Theresa Denoncourt Smith, d/b/a Hint of Class Consignment Inc., 72B Hosmer St., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, ecoATM, Inc., 601 Donald Lynch Blvd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Application for renewal of Junk Dealers/Second Hand License, Jean Rabelo, d/b/a Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Rd., refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That there being no objection thereto set **MONDAY, MAY 4, 2015** as date for a **PUBLIC HEARING** On the Petition of Mass Electric Company and Verizon New England Inc. to install new p22-50 to be set approximately 52' from existing p23 and 175' from existing p22; p22-p50 will be used to feed new 3ph xfmr bank and oh quadruplex service to construction trailer at 200 Forest St. where proposed p22-50 will later be used for permanent service to feed pad mount for new Hotel, refer to **PUBLIC SERVICES COMMITTEE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Annual Reports, **FILE**; adopted.

ORDERED: That the Communication from Central Mass. Mosquito Control Project re: Commencement of Mosquito Larval Control in Marlborough, **FILE**; adopted.

ORDERED: That the Minutes, School Committee, March 10, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Planning Board, March 9, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Zoning Board of Appeals, January 6, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Traffic Commission, February 24, 2015, **FILE**; adopted.

ORDERED: That the Minutes, Community Development Authority, Personnel Committee, January 15 & February 10, 2015, Special Board Meeting, February 18 & March 5, 2015, and Regular meetings, December 18, 2014 & January 9, 2015, **FILE**; adopted.

ORDERED: That the Minutes, OPEB Trust, March 3, 2015, **FILE**; adopted.

ORDERED: That the following CLAIMS, refer to the **LEGAL DEPARTMENT**; adopted.

- a. Paul Priestley, 20 Crestwood Ln., other property damage.
- b. Kieran Moore, 99 Clearview Dr., other property damage.
- c. Luis Saquich, 26 Boudreau Ave #1, pothole or other road defect claim.
- d. John & Maryann Furtado, 30 Pheasant Hill Rd., other property damage.
- e. Clifford Bodenweiser, 51 Leoleis Dr., other property damage.
- f. Richard Sebeika, 86 Cloverhill St., residential mailbox claim 2(a).
- g. Judith Hayes, 92 Porter Rd., other property damage.
- h. Lisa McCarthy, 615 Berlin Rd., other property damage.
- i. Carla White, 64 Morrisey Rd., residential mailbox claim 2(a).
- j. Lindsay Spada, 80 Ripley Ave., pothole or other road defect claim

Reports of Committees:

Councilor Clancy reported the following out of the Legislative and Legal Affairs Committee:

Meeting Name: City Council Legislative & Legal Affairs Committee

Date: March 31, 2015

Time: 5:30 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:30 PM

Adjourned: 5:55 PM

Present: Chairman Clancy; Legislative & Legal Affairs Committee Members Councilors Robey and Delano

Also Present: Mayor Arthur Vigeant; David Brumby, Personnel Director; Assistant City Solicitor Cynthia Panagore Griffin

**Order No. 14-1006005C: Amendment to the City of Marlborough General Code Relative to Department and Title Change of Personnel Department/Director to Human Resources Department/Director.**

Reports of Committees cont'd:

Motion made by Councilor Robey, seconded by the Chair, to remove Order No. 14-1006005C, parts A. and B. from the table. The motion carries 3-0.

The committee reviewed the request by the Mayor to amend the City Code by changing the title of Personnel Director and Department to Human Resources Director and Department. The committee supported the request to change the City Code relevant to this director and department.

Motion made by Councilor Delano, seconded by the Chair, to approve the amendments to the City Code as follows:

- A. The City Code is hereby amended in its entirety by deleting the words "Personnel Director" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Director."
- B. The City Code is hereby amended in its entirety by deleting the words "Personnel Department" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Department."

The motion carries 3-0.

Motion made by Councilor Robey, seconded by the Chair, to request a suspension of the rules at the next City Council meeting to advertise the amendments to the City Code. The motion carries 3-0.

**Order No. 15-1006127: Proposed Order concerning Acceptance of MGL, Chapter 83, Sections 16A-16F.**

The committee reviewed the proposed order requesting local acceptance of MGL, Chapter 83, Sections 16A – 16F which if accepted, would allow the City of Marlborough to collect past due amounts for nonpayment of sewerage bills by placing liens and terminating sewerage use to a property. The City already has the ability to place liens and termination of service on properties for nonpayment of water bills due to its local acceptance of Chapter 40, Sections 42A – 42F in 1924.

Motion made by Councilor Delano, seconded by the Chair, to approve the acceptance of MGL, Chapter 83, Sections 16A – 16F. The motion carries 3-0.

Motion made by Councilor Delano, seconded by the Chair, to adjourn.  
The motion carries 3-0. The meeting adjourned at 5:55 PM.

*Reported by: Chairman Clancy*

*For Agenda: April 6, 2015*

Reports of Committees cont'd:

Councilor Landers reported the following out of the Public Services Committee:

Meeting Name: City Council Public Services Committee

Date: March 31, 2015

Time: 5:00 PM

Location: City Council Chambers, 2<sup>nd</sup> Floor, City Hall, 140 Main Street

Convened: 5:00 PM

Adjourned: 5:27 PM

Present: Chairman Landers; Public Services Committee Members Councilors Clancy and Irish

**Order No. 15-1006147: Application for Renewal of Junk Dealers/Second Hand License, Antoine Bitar, d/b/a Hannoush Jewelers, 601 Donald Lynch Boulevard.**

Police Chief Leonard approved the CORI report for Antoine Bitar and has no objection to the renewal of his Junk Dealer License. Mr. Bitar explained the purchase of used gold is almost nonexistent and has been in decline the past several years. He continues to offer it as a service to his customers.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve renewal of a Junk Dealers/Second Hand License to Antoine Bitar, Hannoush Jewelers. The motion carries 3-0.**

**Order No. 15-1006133: Application for Renewal of Junk Dealers/Second Hand License, Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair, 107 Main Street.**

Police Chief Leonard approved the CORI report for Roman Kimyagarov and has no objection to the renewal of his Junk Dealer License. Mr. Kimyagarov indicated his shoe business is good but the gold business is slow.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve renewal of a Junk Dealers/Second Hand License to Roman Kimyagarov, d/b/a Arthur & Sons Shoe Repair. The motion carries 3-0.**

**Order No. 15-1006132: Application for Renewal of Junk Dealers/Second Hand License, TVI, Inc., d/b/a Savers, 222A East Main Street.**

Police Chief Leonard approved the CORI report for Roger Gauthier and has no objection to the renewal of their Junk Dealer License. David Manoogian, an Attleboro attorney representing Savers, and Roger Gauthier, Store Manager for Savers, appeared before the committee to request renewal of their Junk Dealer License. Mr. Gauthier explained Savers has a unique business model in that they believe in a better world through re-use. Last year alone, the Savers Company kept 650 million pounds out of landfills because items were either sold or recycled.

Chairman Landers asked Mr. Gauthier to explain their program with the schools. Savers, in the spirit of an earth day celebration, is requesting a city-wide drive for donations. A clothing drive does not require participants to buy any merchandise, but provide a donation to Savers who will provide each school with \$0.20 per pound for all donations in their school's name. Their usual charity partner is the Epilepsy Foundation of New England.

## Reports of Committees cont'd:

Chairman Landers read through the conditions and waivers that are a part of their license which are as follows:

Conditions

1. The license shall not be transferred without prior review and approval of the City Council.
2. The license hereby granted is issued to TVI, Inc. d/b/a Savers only and is applicable only to the 222A East Main Street location.
3. There will be no exterior storage, display or sales of merchandise, other than a recycle trailer, a cloth delivery trailer with items waiting to be processed, and a local trailer from one of Savers' charitable partners delivering merchandise to the store. No more than three such trailers and trucks shall be parked at the loading dock area in the rear of the building at any one time, and no such trailers or trucks shall be parked on any other side of the building at any time.
4. Donations shall take place only during the hours of operation which shall be 9:00 A.M to 9:30 P.M. Monday through Saturday and 10:00 A.M. to 7:00 P.M. on Sundays, and during the month of October from 9:00 A.M. to 10:00 P.M. Monday through Saturday and 10:00 A.M. to 10:00 P.M. on Sundays.
5. No Savers' donation boxes shall be permitted outside of the building.
6. No scrolling or rotating message signs shall be permitted as part of Savers' signage plans.
7. Glue boards shall be installed at locations within the business premises satisfactory to the Marlborough Board of Health and Savers, and a monthly monitoring program shall be implemented consisting of a log book for said glue boards satisfactory to the Board of Health.
8. This license shall be subject to revocation or suspension for noncompliance of the above conditions or other applicable local ordinances or state laws.
9. The waivers granted as part of this license shall no longer be applicable should Savers commence paying the general public for merchandise delivered without first obtaining the review and approval of the City Council.

Waivers

1. The waiver of Section 377-4 of the Ordinance as requested by Savers is not granted because Section 377-4 is not applicable to Savers' operations.
2. The waiver of Section 377-5 of the Ordinance is granted with respect to the last sentence thereof requiring the City Clerk to keep a list of persons employed by Savers. All other provisions of Section 377-5, other than the duty of the City Clerk to keep a record of the name and residence of each dealer, are not applicable to Savers.

Reports of Committees cont'd:

3. The provisions of Sections 377-6, 377-7 and 377-9 of the Ordinance are waived in their entirety.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve with conditions the Junk Dealers/Second Hand License to TVI, Inc., d/b/a Savers. The motion carries 3-0.**

**Order No. 15-1006131: Application for Renewal of Junk Dealers/Second Hand License, Mary Giorgi, d/b/a Giorgi's Boutique, 266 Main Street.**

Police Chief Leonard approved the CORI report for Mary Giorgi and has no objection to the renewal of her Junk Dealer/Second Hand Article Dealer License. Ms. Giorgi stated business was slow this winter due to the weather but has improved with the better weather.

**Motion made by Councilor Clancy, seconded by Councilor Irish, to approve renewal of Junk Dealer/Second Hand Article Dealer License to Mary Giorgi, Giorgi's Consignment Boutique. The motion carries 3-0.**

Motion made by Councilor Clancy, seconded by Chair, to adjourn. The motion carries 3-0. The meeting adjourned at 5:27.

*Reported by: Chairman Landers  
April 6, 2015*

#### **Suspension of the Rules requested – granted**

ORDERED: At a regular meeting of the Marlborough City Council held on Monday, April 6, 2015 at 8:00 PM in the City Council Chambers, 2<sup>nd</sup> Floor, City Hall, the following proposed ordinance to the Code of the City of Marlborough having been read was ordered **ADVERTISED**; adopted.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARLBOROUGH, ACTING UPON A RECOMMENDATION OF THE MAYOR, THAT THE CODE OF THE CITY OF MARLBOROUGH (HEREINAFTER, THE "CITY CODE"), AS AMENDED, BE FURTHER AMENDED AS FOLLOWS:

- A. The City Code is hereby amended in its entirety by deleting the words "Personnel Director" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Director."
- B. The City Code is hereby amended in its entirety by deleting the words "Personnel Department" wherever they appear throughout the City Code, and inserting in place thereof the words "Human Resources Department."

ORDERED: That the City Council review with the Mayor and DPW Commissioner the practice of charging homeowners for work performed by city employees, and including individual manpower hours and hourly rates for municipal vehicles, in connection with repairs to water /sewer service problems and other services involving work in the public street or way, refer to **OPERATIONS AND OVERSIGHT COMMITTEE**; adopted.

ORDERED:

**DECISION ON A SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 14/15-1006011E**

The City Council of the City of Marlborough hereby GRANTS the application to amend a Special Permit to Digital Federal Credit Union (the "Applicant") for the property located at 835-865 and 905 Donald J. Lynch Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Findings of Fact and Conditions.

**FINDINGS OF FACT AND RULING**

1. The Applicant is the owner of the property located at 835-865 and 905 Donald J. Lynch Boulevard, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 50, Parcels 9, 3A and 3B (the "Site").
2. The Site is subject to a special permit issued by the City Council of the City of Marlborough dated June 16, 2003, Order No. 03-10047B (the "Original Special Permit," attached hereto as Exhibit A).
3. In light of the recent amendment to the City Code creating § 526-13 entitled, Electronic Message Center Signs and Digital Display Signs, the Applicant seeks to amend the Original Special Permit by removing Condition #7 which prohibits signs on the Site which have moving parts, message boards, LCDs or equivalent features; and inserting in place thereof a new Condition #7 comporting with § 526-13 (the "Application").
4. In connection with the Application, the Applicant has submitted a certified list of abutters, filing fees, and the existing approved site plan for the Site entitled, "As-Built Plan, Donald J. Lynch Boulevard Office Park," prepared by Cornerstone Consulting Civil Engineers and Land Surveyors, dated July 20, 2004 (the "Plans").
5. The Plans were certified by the Building Commissioner of the City of Marlborough, acting on behalf of the City Planner for the City of Marlborough, as having complied with Rule 4, items (a) through (m), of the Rules and Regulations promulgated by the City Council for the issuance of a Special Permit.
6. Pursuant to the Rules and Regulations of the City Council for the City of Marlborough and applicable statutes of the Commonwealth of Massachusetts, the City Council established a date for public hearing on the Application and the City Clerk for the City of Marlborough caused notice of the same to advertised and determined that notice of the same was provided to abutters entitled thereto in accordance with applicable regulations and law.

7. The Marlborough City Council, pursuant to Massachusetts General Laws, Chapter 40A, held a public hearing on the application on Monday, February 23, 2015.
8. The Applicant, through its representatives, presented testimony at the public hearing detailing the Application. No individual in attendance at the public hearing spoke in opposition to the Application.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all Rules and Regulations promulgated by the Marlborough City Council as they pertain to special permit applications.
- B. The City Council finds that the proposed use of the Site is an appropriate use and in harmony with the general purpose and intent of the Zoning Ordinance of the City of Marlborough when subject to the appropriate terms and conditions as provided herein. The City Council makes these findings subject to the completion and adherence by the Applicant, its successors and/or assigns, to the conditions more fully set forth herein.
- C. The City Council, pursuant to its authority under Massachusetts General Laws Chapter 40A and the Zoning Ordinance of the City of Marlborough, hereby GRANTS the Applicant an Amended Special Permit, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
  1. The Original Special Permit is amended by removing Condition #7 in its entirety and inserting in place thereof the following:
    - 7) The location and design of any signage on the Site shall be reviewed and approved by the City of Marlborough in accordance with the Sign Ordinance of the City of Marlborough.
  2. In accordance with the provisions of M.G.L. c. 40A, § 11, the Applicant, its successors and/or assigns shall, at its expense, record this Amended Special Permit in the Middlesex South Registry of Deeds after the City Clerk has certified that the twenty-day period for appealing this Amended Special Permit has elapsed with no appeal having been filed, and before the Applicant, its successors and/or assigns, has applied to the Building Commissioner for any building permit that may be required concerning the Sign. The Applicant, its successors and/or assigns shall also furnish proof of recording to the City Solicitor's Office and the City Council immediately subsequent to recording.
  3. Except as amended by this Decision, the Original Special Permit remains in full force and effect.

**Yea: 9 – Nay: 1 – Abstain: 1**

**Yea: Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram & Robey**

**Nay: Elder**

**Abstain: Delano**

ORDERED:

**DECISION ON A SIGN ORDINANCE SPECIAL PERMIT  
CITY COUNCIL ORDER NO. 15-1006053D**

The City Council of the City of Marlborough hereby GRANTS the application to for a Sign Ordinance Special Permit to Digital Federal Credit Union (the “Applicant”) for the property located at 865 Donald J. Lynch Boulevard, Marlborough, Massachusetts, as provided in this Decision and subject to the following Procedural Findings and Findings of Facts and Conditions.

**FINDINGS OF FACT AND RULING**

1. The Applicant is the owner of the property located at 865 Donald J. Lynch Boulevard, Marlborough, Massachusetts, as shown on the Marlborough Assessors Maps as Map 50, Parcel 9 (the “Site”).
2. The Applicant seeks a Sign Ordinance Special Permit, pursuant to Section 526-13 of the Code of the City of Marlborough entitled, Electronic Message Center Signs and Digital Display Signs (the “EMC and Digital Display Sign Ordinance”), to operate an electronic message center sign (the “Sign”) at the Site (the “Application”).
3. The Sign is a 41-inch by 87-inch double-faced full color electronic message center (EMC) sign, with a display area of 24.77 square feet. The Sign is located on a 17-foot high free-standing pylon sign below an internally-illuminated sign. The Sign installer is Poyant Signs of 125 Samuel Barnet Blvd., New Bedford, Massachusetts 02745.
4. At its meeting on February 12, 2015, the Planning Board issued a variance decision for the Sign, granting variances from certain requirements applicable to the Sign under the EMC and Digital Display Sign Ordinance, with the Applicant agreeing to maintain only the levels allowed for the maximum daytime brightness as well as brightness levels from sunset to sunrise as allowed by the EMC and Digital Display Sign Ordinance and further agreeing to utilize static messages only as allowed by said Ordinance (the “Variances.”).
5. In connection with the Application, the Applicant has submitted schematic designs of the Site and a sketch plan showing the location of the Sign on the Site.
6. The Marlborough City Council held a public hearing on the Application on Monday, February 23, 2015.
7. The Applicant, through its representatives, presented testimony at the public hearing detailing the Sign. No individual in attendance at the public hearing spoke in opposition to the Sign.

**BASED ON THE ABOVE, THE CITY COUNCIL MAKES THE FOLLOWING  
FINDINGS AND TAKES THE FOLLOWING ACTIONS**

- A. The Applicant has complied with all rules and regulations promulgated by the Marlborough City Council as they pertain to application for a special permit under the EMC and Digital Display Sign Ordinance.
- B. The City Council finds that the Sign complies with the standards set forth in Section 526-13.B of the EMC and Digital Display Sign Ordinance.
- C. The City Council finds, pursuant to Section 526-13.B(16) of the EMC and Digital Display Sign Ordinance, that: all other signage on the Site is in compliance with zoning requirements; the Sign does not create unnecessary visual clutter or constitute signage overload for the lot or surrounding neighborhood or street; the Sign does not substantially block visibility of signs on abutting lots; the Sign does not substantially block solar access of, or the view from, windows of residential dwellings on abutting lots; the proposed illumination is appropriate to the Site and is appropriately located with respect to the character of the surrounding neighborhood; the scale and/or location of the Sign is appropriate; and the dimensions of the Sign comply with the area limitations of the EMC and Digital Display Sign Ordinance, as permitted by the Variances.
- D. The City Council, pursuant to its authority under the EMC and Digital Display Sign Ordinance, hereby GRANTS the Applicant a special permit for the Sign, SUBJECT TO THE FOLLOWING CONDITIONS, which conditions shall be binding on the Applicant, its successors and/or assigns:
  - 1. The Sign shall be operated in accordance with the EMC and Digital Display Sign Ordinance of the City of Marlborough.

**Yea: 9 – Nay: 1 – Abstain: 1**

**Yea: Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram & Robey**

**Nay: Elder**

**Abstain: Delano**

ORDERED:

**TURF FIELD BOND**

That the sum of \$3,855,059.00 (three million eight-hundred fifty-five thousand and fifty-nine) dollars be and is hereby appropriated for the construction of a synthetic turf athletic field, new track and concession stand at the Whitcomb Middle School Field and that to meet said appropriations, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,855,059.00.

Pursuant to the provisions of Chapter 44, Section 7 (3) of the Massachusetts General Laws as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

**APPROVED;** adopted.

**Yea: 10 – Abstain: 1**

**Yea: Delano Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram & Robey**

**Abstain: Elder**

ORDERED: That a portion (Lot 2) containing 11.31 acres of the Hudson Street Landfill property located at Hudson Street and shown on the Marlborough Assessor's Maps as Map 30, Parcel 4, as taken by the City of Marlborough in October 5, 1959 for purposes of a public dump and other municipal purposes, is hereby permanently dedicated to park and recreation purposes under the provisions of M.G.L. c. 45, § 3; and further, that, as so dedicated, said property is hereby placed under the care, custody, management and control of the City of Marlborough Recreation Commission, **APPROVED;** adopted.

**Yea: 10 – Abstain: 1**

**Yea: Delano Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram & Robey**

**Abstain: Elder**

ORDERED: That the sum of \$3,095,000 (three million ninety-five thousand) dollars be and is hereby appropriated for the construction of municipal outdoor recreational facilities.

That to meet said appropriation, the Comptroller-Treasurer, with the approval of the Mayor, is hereby authorized to issue bonds or notes of the City of Marlborough in the amount of \$3,095,000.

Pursuant to the provisions of Chapter 44, section 7 (25) of the Massachusetts General Laws, as amended, each issue of such bonds or notes shall be payable in not more than fifteen (15) years from its date of issue.

**APPROVED;** adopted.

**Yea: 10 – Abstain: 1**

**Yea: Delano Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram & Robey**

**Abstain: Elder**

ORDERED:

**A RESOLUTION  
TO APPLY FOR AND ACCEPT A GRANT FROM  
THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,  
FOR THE HUDSON STREET LANDFILL RECREATION FACILITY**

WHEREAS, by vote of the City Council on **April 6, 2015**, the care, custody, management and control of a portion (Lot 2) containing 11.31 acres of the Hudson Street Landfill property located at Hudson Street and shown on the Marlborough Assessor's Maps as Map 30, Parcel 4, as taken by the City of Marlborough in October 5, 1959 for purposes of a public dump and other municipal purposes, has been dedicated to park and recreation purposes under M.G.L. c. 45, § 3, and has been placed under the care, custody, management and control of the Recreation Commission of the City of Marlborough; and

WHEREAS, the Hudson Street landfill is an under-used parcel of land, and the development of this land into a large recreation center is a priority of the city of Marlborough, as evidenced by the most recent Open Space and Recreation Plan; and

WHEREAS, the main focus of a conceptual Master Plan prepared for the Hudson Street landfill's reuse is to build a new multi-purpose recreation center for the City; and

WHEREAS, the Hudson Street landfill's reuse is to be guided by the said Master Plan and will include a softball/baseball field, two multi-use fields, playground area, parking lot for 100+ parking spaces, a concession stand with restroom facilities, a water bubbler, bike racks, exercise center, picnic tables, and landscaping with the addition of 60+ trees and shrubs. In addition, a 0.25 mile walking path loop is to be developed for this project and lights will be added to extend play time on the fields; and

WHEREAS, the Commonwealth of Massachusetts' Executive Office of Energy and Environmental Affairs ("EOEEA") is offering reimbursable grants to cities and towns to support the preservation and restoration of urban parks through the Parkland Acquisitions and Renovations for Communities ("PARC") grant program (301 CMR 5.00); and

WHEREAS, the project cost as outlined in the Master Plan totals \$3,095,000 (three million ninety-five thousand), and the City Council has voted on **April 6, 2015** to authorize the bond funding in the amount of \$3,095,000 (three million ninety-five thousand);

NOW, THEREFORE, be it resolved, as follows:

1. That the Mayor be, and hereby is, authorized to apply for and accept a PARC grant from EOEEA; and
2. That the Mayor be, and hereby is, authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of the PARC grant to be administered by the Recreation Commission of the City of Marlborough; and
3. That this Resolution shall take effect upon its passage.

**APPROVED;** adopted.

**Yea: 10 – Abstain: 1**

**Yea: Delano Page, Tunnera, Irish, Clancy, Landers, Ossing, Pope, Oram & Robey**

**Abstain: Elder**

**ORDERED:** There being no further business, the regular meeting of the City Council is herewith adjourned at 9:10 PM.